

Message Text

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47

ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SSO-00 INRE-00 NSCE-00 USIE-00

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 IO-13 ACDA-07 SCCT-01 SAJ-01

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FM USMISSION USBERLIN

TO SECSTATE WASHDC IMMEDIATE 2912

AMEMBASSY BONN IMMEDIATE

INFO AMEMBASSY BERLIN UNN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

C O N F I D E N T I A L USBERLIN 1631

E.9.11652: GDS

TAGS: PGOV, WB, SU

SUBJECT: NEW SOVIET WARNING AGAINST FEDERAL PROSECUTION OF LORENZ
KIDNAPPERS

REF: BONN 13126

1. SUMMARY: ACTING POLITICAL COUNSELOR FROM SOVIET
EMBASSY BERLIN CALLED ON US POLAD AND REPEATED SOV
COMPLAINT OF FEB. 12 AGAINST POSSIBLE ACTIVITY OF FRG
FEDERAL PROSECUTOR IN PROSECUTING LORENZ KIDNAPPERS IN
BERLIN. POLAD REPLIED ALONG LINES OF USBERLIN 0262,
I.E., THAT THERE WAS NO POINT IN DISCUSSING SOMETHING
WHICH HAD NOT HAPPENED. END SUMMARY.

2. ON AUGUST 6, ACTING SOVIET EMBASSY COUNSELOR
TYUTYUNOV CALLED ON US (CHAIRMAN) POLAD AND COMPLAINED
ABOUT (A) BRITISH HARASSMENT OF A SOVIET MILITARY
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OFFICER, AND (B) A ROLE FOR THE FRG FEDERAL PROSECUTOR

IN THE LORENZ CASE. THE HARASSMENT EPISODE INVOLVED DETENTION IN ELADOW OF A SOV MILITARY VEHICLE FOR EIGHT MINUTES, AND WE WILL HANDLE THE PROTEST LOCALLY.

3. WITH REFERENCE TO THE FEDERAL PROSECUTOR, TYUTYUNOV READ THE FOLLOWING, WHICH HE CHARACTERIZED AS AN "ORAL STATEMENT." UNLIKE IN FEBRUARY, NO TEXT OF THE STATEMENT WAS LEFT BEHIND.

BEGIN STATEMENT: ACCORDING TO INFORMATION WHICH IS AT HAND, THERE IS CURRENTLY BEING DISCUSSED THE QUESTION OF THE PARTICIPATION OF THE FEDERAL PROSECUTOR GENERAL OF THE FRG IN HIS OFFICIAL CAPACITY IN THE UPCOMING COURT CASE AGAINST THE KIDNAPPERS OF THE PRESIDENT OF THE BERLIN HOUSE OF REPRESENTATIVES, LORENZ.

THE SOVIET SIDE CONSIDERS IT NECESSARY AGAIN TO DECLARE THAT THE PARTICIPATION OF THE FEDERAL PROSECUTOR GENERAL OF THE FRG OR OF ANOTHER REPRESENTATIVE OF THE FEDERAL PROSECUTOR GENERAL'S OFFICE IN THE PLANNED COURT PROCEEDINGS IN A COURT OF THE WESTERN SECTORS OF BERLIN WOULD BE A FLAGRANT CONTRADICTION OF THE FOUR POWER AGREEMENT OF SEPTEMBER 3, 1971, AND IN PARTICULAR WITH ITS PROVISIONS THAT THE STATE ORGANIZATIONS OF THE FEDERAL REPUBLIC DO NOT HAVE THE RIGHT TO CARRY OUT CONSTITUTIONAL OR OFFICIAL ACTS IN THE EXERCISE OF DIRECT STATE AUTHORITY IN THE WESTERN SECTORS OF BERLIN(ANNEX II, PARA 2).

WE EXPECT THAT THE COMPETENT AUTHORITIES OF THE THREE WESTERN POWERS, IN ACCORDANCE WITH THEIR OBLIGATIONS UNDER THE QUADRIPARTITE AGREEMENT, WILL TAKE THE APPROPRIATE MEASURES TO PREVENT THE ILLEGAL INVOLVEMENT OF THE FEDERAL PROSECUTOR GENERAL OF THE FRG IN THE PLANNED COURT PROCEEDINGS. END STATEMENT.

4. IN REPLY, POLAD SAID THAT HE WOULD HAVE TO REPEAT WHAT HE SAID TO KHOTULEV IN FEBRUARY 1976. THERE WAS NOT POINT IN DISCUSSING SOMETHING WHICH HAS NOT HAPPENED. THE INVESTIGATIONS IN THESE CASES WERE STILL ONGOING. IN BERLIN THE INVESTIGATIONS WERE BEING CARRIED OUT BY CONFIDENTIAL

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COMPETENT AUTHORITIES ACTING IN CONFORMITY WITH ALLIED RIGHTS AND RESPONSIBILITIES AND SUBJECT TO OUR AUTHORITY. POLAD DID NOT KNOW CURRENT STATUS OF INVESTIGATIONS. NO INDICTMENTS, HOWEVER, HAD BEEN FORMULATED, LET ALONE ISSUED. THE SOVS COULD BE ASSURED, HOWEVER, THAT ANY EVENTUAL PROSECUTION OF THE CASES HERE WOULD BE IN ACCORDANCE WITH LAWS IN EFFECT IN OUR SECTORS AND IN CONFORMITY WITH ALLIED RIGHTS, RESERVATIONS AND RESPONSI-

BILITIES.

5. POLAD NOTED THAT IT WAS AN OVERSIMPLIFICATION TO TALK ONLY OF A LORENZ KIDNAPPING CASE. SEVERAL SUSPECTS WERE INVOLVED (OF WHOM THREE WERE FUGITIVE), AND NUMEROUS CRIMES WERE BEING INVESTIGATED, E.G., KIDNAPPING, MURDERS AND BANK ROBBERIES. TYUTYUNOV MENTIONED RECENT HEAVY PRESS PLAY ON THE SUBJECT. POLAD SAID IT WAS A FAVORITE ITEM OF THE PRESS, AS INDEED IT ALREADY WAS LAST FEBRUARY.

6. COMMENT: ARRIVAL OF BONN'S REFTEL WAS PROVIDENTIAL, AS IT GAVE A GOOD CURRENT ACCOUNT OF WHERE THINGS STAND. THE SOV PROTEST IS ALMOST WORD FOR WORD IDENTICAL WITH THAT OF FEBRUARY 12. AGAIN WE CONSIDER THAT NO FURTHER REPLY TO THE SOV STATEMENT IS NEEDED.

7. ALLIED (U.S.) SPOKESMAN HAS RECEIVED SPATE OF PRESS QUERIES IN LAST TWO DAYS AS TO ALLIED REACTION TO PROSECUTION OF LORENZ KIDNAPPERS ON BERLIN BY FEDERAL PROSECUTOR BUBACK. SPOKESMAN HAS ADHERED TO ALLIED PRESS LINE PROVIDED REFTEL AND HAS REFERRED CALLERS TO RESPONSIBLE GERMAN AUTHORITIES FOR ANY DETAILS OF INVESTIGATIONS. PRESS QUERIES HAVE COME LARGLEY FROM DEUTSCHE PRESSE AGENTUR AND AXEL SPRINGER INLANDDIENST, WITH REUTERS ALSO GETTING INTO ACT. WHILE NONE HAVE GIVEN SOURCE OF ANY INFORMATION THEY MAY HAVE, IT APPEARS THAT SOMEONE IN BONN HAS BEEN DISCUSSING THE MATTER. IN FACT THE CALLERS HAVE BROADLY HINTED THAT THE SOURCE IS IN BONN.

8. IT IS ACCORDINGLY QUITE POSSIBLE THAT ELEMENTS OF THE INTERNAL FRG DECISION DESCRIBED IN REFTEL HAVE BEEN, OR CONFIDENTIAL

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SOON WILL BE, LEAKED TO THE PRESS. GEORGE

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Message Attributes

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Disposition Case Number: n/a
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